

UNITED STATES DISTRICT COURT

for the

District of



Chad Stone

Case No.

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Yellowstone County Sheriff

Jury Trial: (check one) ☒ Yes ☐ No

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Chad Stone		
Address	1106 W Park Sute 20-157		
	Livingston	Mt	59047
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Park		
Telephone Number	406-220-2711		
E-Mail Address	ogchadstone@gmail.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Mike Linder		
Job or Title <i>(if known)</i>	Yellowstone County Sheriff		
Address	2323 2nd Ave N		
	Billings	MT	59101
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Yellowstone		
Telephone Number	(406) 256-2929		
E-Mail Address <i>(if known)</i>			

☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name			
Job or Title <i>(if known)</i>			
Address			
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County			
Telephone Number			
E-Mail Address <i>(if known)</i>			

☐ Individual capacity ☐ Official capacity

Defendant No. 3

Name _____

Job or Title (if known) _____

Address _____

City _____

State _____

Zip Code _____

County _____

Telephone Number _____

E-Mail Address (if known) _____

☐

Individual capacity

☐

Official capacity

Defendant No. 4

Name _____

Job or Title (if known) _____

Address _____

City _____

State _____

Zip Code _____

County _____

Telephone Number _____

E-Mail Address (if known) _____

☐

Individual capacity

☐

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials? This is a complaint alleging violations of civil rights under 42 U.S.C. § 1983. The plaintiff seeks redress for the denial of basic human rights, including rights under the Americans with Disabilities Act (ADA), during their detention in the Yellowstone County Detention Facility.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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- D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
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III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
See Attached
-

- B. What date and approximate time did the events giving rise to your claim(s) occur?
August 2022
-

- C. What are the facts underlying your claim(s)? (*For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)
See Attache d
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IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

See attached

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

See Attached

\$ 1500 a day in jail for
\$ 31,500 total

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

8/18/23

Signature of Plaintiff

Printed Name of Plaintiff

Chad Stone

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Address _____

City _____

State _____

Zip Code _____

Telephone Number _____

E-mail Address _____

In August 2022, the plaintiff was wrongfully detained in the Yellowstone County Detention Facility for a period of three weeks. As a right below the knee amputee, the plaintiff required reasonable accommodations to ensure access to basic necessities and medical care. However, the defendant denied the plaintiff's rights under the ADA and failed to provide appropriate medical attention.

During the plaintiff's stay at the detention facility:

- The plaintiff was denied access to a shower chair, despite submitting requests for reasonable accommodation.
- The plaintiff was forced to sleep on the floor, which caused significant physical strain due to their amputated leg.
- The defendant failed to address the plaintiff's hygiene needs, leading to the development of ringworm.
- The ADA-compliant shower was in disrepair and being used for other purposes, despite the plaintiff's requests for correction.

Furthermore, the plaintiff witnessed drug-related activities within the jail, including fentanyl use, highlighting the defendant's failure to maintain a safe and secure environment.

5. Violations of Civil Rights

The defendant's actions and omissions have violated the plaintiff's civil rights, including but not limited to:

- Violations of the ADA by denying reasonable accommodations for the plaintiff's disability.
- Inadequate medical care and failure to address the plaintiff's health needs.
- Violations of the plaintiff's right to be free from cruel and unusual punishment under the Eighth Amendment.

A handwritten signature in blue ink, consisting of stylized, overlapping loops and lines, likely representing the name of the plaintiff or a legal representative.